

### **REMARKS/ARGUMENTS**

Claims 1 and 11 have been amended, and claims 2, 7, 8, 12, 14 and 19 have been canceled, leaving claims 1, 3-6, 9, 11, 13, 15-18 and 20 pending.

### **OBJECTIONS**

The amendment filed July 11, 2007 was objected to under 35 U.S.C. §132(a) for introducing new matter into the disclosure. Figure 3 has been amended to remove reference to element 10, and the specification has been amended to remove reference to interface 10. Claim 10 has been canceled. Reconsideration and withdrawal of the objections is respectfully requested.

### **CLAIM REJECTIONS**

Claims 1-7, 10-11 and 13-18 are rejected under 35 U.S.C. §102(b) as being anticipated by Chatterjee (U.S. Patent 6,471,136). Claims 8-9, 12 and 19-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chatterjee in view of being optimum values. Reconsideration is respectfully requested.

Claim 1 has been amended to include the subject matter of original claims 2, 7 and 8, and also that the sensor determines the carbon dioxide concentration in accordance with the principle of photometric gas measurement at wavelengths between 4.2  $\mu\text{m}$  and 4.3  $\mu\text{m}$  and a reference wavelength between 3.8  $\mu\text{m}$  and 4.0  $\mu\text{m}$ . See par. 00018 of the application for support. Claim 11 has been amended in a similar manner.

The present invention is based on the technical problem of providing a method for regulating a circulating air and/or intake air portion in a passenger compartment of a vehicle based on a quick and precise detection of the carbon dioxide concentration. The regulation according to new claim 1 is based on a given carbon dioxide concentration threshold value in the passenger compartment and two measured quantities: (1) the carbon dioxide concentration, and (2) the temperature. These two quantities are measured by a temperature-compensated sensor, which determines the carbon dioxide concentration in accordance with the principle of photometric gas measurement at given wavelengths. The measured temperature is used for two purposes:

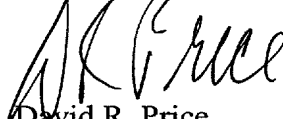
- (a) the temperature compensation of the sensor measuring the carbon dioxide concentration (please see [0008]) and

(b) to regulate the circulating air and/or intake air portion in the passenger compartment in addition to the carbon dioxide concentration measured by the sensor.

US 6,471,136 B1 (Chatterjee et al.) does not disclose or even suggest a sensor in accordance with the principle of photometric gas measurement at the wavelengths specified in amended claim 1 and does not disclose the hazardous gas concentration threshold value of 0.2% by volume CO<sub>2</sub>. US 5,892,140 (Wood) only describes the general measurability of the CO<sub>2</sub> concentration in the range of 0.005% to 1.5%. The sensor of the US 5,892,140 is based on a different measuring principle and does not disclose a temperature compensation. US 5,261,415 (Dussault) describes a capnography sensor for monitoring the CO<sub>2</sub> concentration in breathing gases and does not disclose or even suggest the use of this sensor in a system for regulating a circulating air and/or intake air portion in a passenger compartment of a vehicle.

Therefore, amended claims 1 and 11 and their dependent claims are allowable.

Respectfully submitted,



David R. Price  
Reg. No. 31,557

Docket No.: 022862-1071-00  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414.271.6560